

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 545 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? Yes
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?  
2 to 5 No

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NEKMAMAD AMADBAHI MIYANA

Versus

STATE OF GUJARAT

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Appearance:

MR HN JHALA for Petitioner

Mr. K.T. Dave, APP for Respondent No. 1

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CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 05/03/98

ORAL JUDGEMENT

1. Heard Mr. H.N. Jhala, learned Advocate for the petitioner. Rule. Mr. K.T. Dave waives service of rule. By consent of the parties, the application is finally heard.

2. The petitioner is arrested by Investigating Officer attached with Malia Police Station, in respect to Crime Register No. I - 124 of 1997 for the offence punishable under Section 498-A read with Section 306 of the I.P.Code.

3. The parties do not press for reasoned order.

4. Having regard to the facts and circumstances apparent from the record and the submission urged at the Bar the petition is allowed and petitioner is ordered to be released on Bail by executing a bond of Rs.10,000/(Rupees ten thousand only) and also furnishing two sureties for the like amount to the satisfaction of the lower court and subject to the conditions stated hereunder:

(a) not take undue advantage of his liberty or misuse his liberty;

(b) not act in a manner injurious to the interest of the prosecution;

(c) maintain law and order;

(d) mark his presence before Maliya Police Station on every 1st and 15th of calendar month between 9.00 a.m. and 2.00 p.m.

(e) not leave the local limits of District Rajkot without the prior permission of the Sessions Judge at Rajkot.

(f) furnish the address of his residence at the time of execution of the bond and shall not change his residence without prior permission of this court;

(g) not enter into the local limits of village/taluka/District without prior permission of this Court, but for attending the Court in connection with this case he will be free to enter the limits for a period to that extent necessary and will leave the limits thereafter soon after the matter is adjourned.

5. If breach of any of the above conditions is committed, the Sessions Judge at Rajkot will be free to issue warrant or take appropriate action in the matter.

Bail before the lower Court having jurisdiction  
to try the case.

Rule is made absolute. Direct service is  
permitted.

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p.n.nair

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